

FILED

JAN 23 2015

**SECRETARY, BOARD OF
OIL, GAS & MINING**

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Attorneys for the Division of Oil, Gas and Mining

**BEFORE THE BOARD OF OIL, GAS & MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

In the Matter of the Notice of Agency Action to affect the mining operations of NEPHI SANDSTONE CORPORATION by (1) withdrawing a Notice of Intention, (2) forfeiting a surety bond by TRAVELERS CASUALTY AND INSURANCE COMPANY OF AMERICA (3) ordering reclamation of mines, and (4) requesting the Division of Oil, Gas and Mining and the Attorney General to take all other actions necessary to recover costs and fees for the operations occurring at Cedar Springs (M/023/0059) located at Southeast ¼ of Section 15, Township 16 South, Range 1 West, Salt Lake Meridian in Juab County in Utah.

**MOTION TO WITHDRAW
WITHOUT PREJUDICE**

Docket No. 2014-043
Cause No. M/023/0059

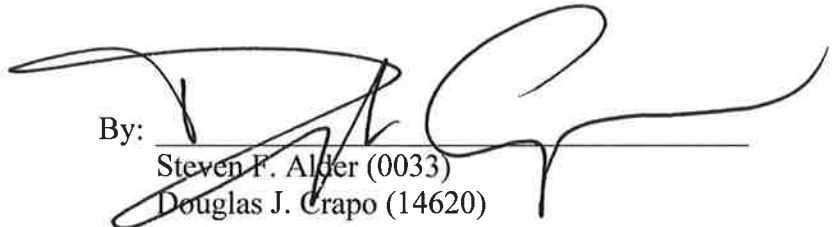
The Utah Division of Oil, Gas, and Mining ("Division"), moves to withdraw this action without prejudice. The Division makes this request because Respondent Nephi Sandstone Corp. has made recent efforts to reclaim the site and the need to pursue this action may have been abated. The Division asks that the withdrawal be without prejudice because of the possibility that the seeding that was performed is not successful this spring. There is little reason to think that it will not, but the

Division seeks to minimize its risk. For these reasons the Utah Board of Oil, Gas and Mining should accept this withdrawal of the Notice of Agency Action without prejudice.

A [Proposed] Order is attached for the Board's convenience.

DATED this 23d day of January, 2015.

SEAN D. REYES (7969)
UTAH ATTORNEY GENERAL

A large, stylized handwritten signature in black ink, likely belonging to Douglas J. Crapo, is written over a horizontal line.

By:

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Board Address

Ruland J Gill, Jr.
Chairperson of the Board
Board of Oil, Gas and Mining
1594 West North Temple, Suite 3710
P.O. Box 145610
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Division Address

John R. Baza
Director
Division of Oil, Gas and Mining
1594 West North Temple, Suite 3710
P.O. Box 145610
Salt Lake City, Utah 84114-5610

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the forgoing Motion to Continue and Order (Proposed) Continuing Hearing to be served by first class mail, postage prepaid, or electronically mailed on the 23d day of January, 2015, to:

Nephi Sandstone Corporation
1250 North 200 West
Nephi, UT 84648-8903

Nephi Sandstone Corporation
% Bruce Evans
P.O. Box 137
Nephi, UT 84648-0137

Craig J. Dansie
Nephi Sandstone Corporation
1250 North 200 West
Nephi, UT 84648-8903

Bureau of Land Management
Fillmore Field Office
95 East 500 North
Fillmore, UT 84631-3513

DE Industries, LLC
1250 North 200 West
Nephi, UT 84648-9803

DE Industries, LLC
% Bruce H. Evans
P.O. Box 137
Nephi, UT 84648-0137

Dale Dorius
Cedar Springs Ranch
P.O. Box 895
Brigham City, UT 84302-0895

Juab County
160 North Main,
Nephi, UT 84648-1412

Travelers Casualty & Surety Co. of America
1100 East 6600 South, Suite 500
Salt Lake City, UT 84121-7420

Travelers Casualty & Surety Co. of
America
% Corporation Service Company
10 East South Temple, Suite 850
Salt Lake City, UT 84133-1101

David Monstream
Claims Representative
Bond & Speciality Insurance Claim
33650 6th Avenue So., Suite 200
Federal Way, WA 98003-6754


Renee W. Fashbender

**BEFORE THE BOARD OF OIL, GAS & MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

In the Matter of the Notice of Agency Action to affect the mining operations of NEPHI SANDSTONE CORPORATION by (1) withdrawing a Notice of Intention, (2) forfeiting a surety bond by TRAVELERS CASUALTY AND INSURANCE COMPANY OF AMERICA (3) ordering reclamation of mines, and (4) requesting the Division of Oil, Gas and Mining and the Attorney General to take all other actions necessary to recover costs and fees for the operations occurring at Cedar Springs (M/023/0059) located at Southeast ¼ of Section 15, Township 16 South, Range 1 West, Salt Lake Meridian in Juab County in Utah.

ORDER (Proposed)

Docket No. 2014-043
Cause No. M/023/0059

Having reviewed the Division's Motion to Withdraw Without Prejudice in the above-captioned matter, and for good cause appearing, the Utah Board of Oil, Gas, and Mining pursuant to Utah Administrative Code R641-106-700 hereby orders that this matter be withdrawn or dismissed without prejudice.

So ORDERED this _____ day of January, 2015.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Ruland J Gill, Jr., Chairman